

EXHIBIT 85

1 UNITED STATES DISTRICT COURT

2 FOR THE NORTHERN DISTRICT OF OHIO

3 EASTERN DIVISION

4

5 -----)

6 IN RE: NATIONAL PRESCRIPTION)

7 OPIATE LITIGATION) Case No. 1:17-MD-2804

8 -----) Hon. Dan A. Polster

9 APPLIES TO ALL CASES)

10 -----)

11

12 HIGHLY CONFIDENTIAL

13 SUBJECT TO FURTHER CONFIDENTIALITY REVIEW

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15 The videotaped deposition of WILLIAM
16 RATLIFF, called for examination, taken pursuant to the
17 Federal Rules of Civil Procedure of the United States
18 District Courts pertaining to the taking of
19 depositions, taken before JULIANA F. ZAJICEK, a
20 Registered Professional Reporter and a Certified
21 Shorthand Reporter, at the Hilton Garden Inn, 8910
22 Hatfield Drive, Indianapolis, Indiana, on December
23 19, 2018, at 9:36 a.m.

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<p style="text-align: right;">Page 18</p> <p>1 start with: Did you review any documents during these</p> <p>2 meetings?</p> <p>3 A. Yes.</p> <p>4 Q. And did any of these documents refresh</p> <p>5 your recollection?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Do you know if these documents have</p> <p>8 been produced in this case?</p> <p>9 A. No.</p> <p>10 MR. KAWAMOTO: And so I'm -- I'll make a general</p> <p>11 request of counsel to provide any documents that --</p> <p>12 that he reviewed.</p> <p>13 MR. O'CONNOR: I can say for the record they</p> <p>14 have all been produced.</p> <p>15 BY MR. KAWAMOTO:</p> <p>16 Q. Do you have any documents in your personal</p> <p>17 possession relating to your work at Mallinckrodt?</p> <p>18 A. No.</p> <p>19 Q. Did you have a company phone?</p> <p>20 A. I did.</p> <p>21 Q. Did you ever send any text messages</p> <p>22 related to your work at Mallinckrodt?</p> <p>23 A. I'm not certain that I did. I -- I'm not</p> <p>24 very technical. As far as I know I carried a</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. And what was your position with them right</p> <p>2 before you joined Mallinckrodt?</p> <p>3 A. When I retired, I was special agent in</p> <p>4 charge of the FBI in Albany, New York. We covered</p> <p>5 Vermont, all counties out to the Finger Lakes and just</p> <p>6 north of New York City was our territory.</p> <p>7 Q. Did you ever work for the National Drug</p> <p>8 Intelligence Center?</p> <p>9 A. I did.</p> <p>10 Q. And when was that from?</p> <p>11 A. I'm trying to associate this with other</p> <p>12 movement in my career to give you an accurate date.</p> <p>13 Q. Sure.</p> <p>14 A. I would say 1996 and 1997.</p> <p>15 Q. And what position did you hold with them?</p> <p>16 A. I was the deputy director.</p> <p>17 Q. And what were your job responsibilities as</p> <p>18 deputy director?</p> <p>19 A. It was basically to -- to manage the</p> <p>20 entire operation. There was a director, but those</p> <p>21 specific duties fall to the deputy director.</p> <p>22 Q. Are you familiar with the "national drug</p> <p>23 threat assessment"?</p> <p>24 A. I've heard that term, but I've been</p>
<p style="text-align: right;">Page 19</p> <p>1 BlackBerry. Is that a text?</p> <p>2 Q. I think they are somewhat different, but</p> <p>3 I -- I take it from your answer you are not a heavy</p> <p>4 texter?</p> <p>5 A. Correct.</p> <p>6 Q. Fair enough.</p> <p>7 During your time at Mallinckrodt, were you</p> <p>8 ever interviewed by any regulators or law enforcement</p> <p>9 personnel?</p> <p>10 A. I spoke with law enforcement personnel</p> <p>11 often but I was never interviewed in that sense.</p> <p>12 Q. And you've never been deposed while</p> <p>13 employed by Mallinckrodt?</p> <p>14 A. I have not.</p> <p>15 Q. And how long did you work for Mallinckrodt</p> <p>16 for?</p> <p>17 A. Approximately -- it was September of 2000</p> <p>18 until June of 2012.</p> <p>19 Q. And what did you do after you left your</p> <p>20 job at Mallinckrodt?</p> <p>21 A. Played golf.</p> <p>22 Q. Now, prior to joining Mallinckrodt, you</p> <p>23 were with the FBI?</p> <p>24 A. That's correct.</p>	<p style="text-align: right;">Page 21</p> <p>1 retired for six-and-a-half years and I seldom think</p> <p>2 about any of this, so. And that would have been in</p> <p>3 the 1990s, 20 years ago, so I'm not certain how to</p> <p>4 answer the question other than I believe I've heard</p> <p>5 that term.</p> <p>6 Q. What was the job or what was the function</p> <p>7 of the National Drug Intelligence Center?</p> <p>8 A. We employed our own analysts and analysts</p> <p>9 from the FBI, the DEA, and most government agencies</p> <p>10 with, I had like to describe it with three initials.</p> <p>11 We were funded through the Department of Justice and</p> <p>12 also through the Central Intelligence Agency. And our</p> <p>13 job was to gather information from agencies that</p> <p>14 didn't have specific drug law enforcement type of</p> <p>15 jurisdiction.</p> <p>16 So, for instance, the Coast Guard might do</p> <p>17 an interdiction and they might have a lot of</p> <p>18 information that never gets to the Drug Enforcement</p> <p>19 Administration or to the FBI or to the proper agency.</p> <p>20 So the National Drug Intelligence Center employed all</p> <p>21 of these different agencies so we could coordinate</p> <p>22 that information, make reports, and put it back out to</p> <p>23 the inf- -- to the agencies that would most benefit</p> <p>24 from that information.</p>

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1 Q. And is it your understanding that one of
2 the functions of the National Drug Intelligence Center
3 was to put out this report entitled "The National Drug
4 Threat Assessment"?

5 A. That's -- I'm certain that's where I heard
6 that term, but it's been many years.

7 Q. Do you ever recall working on a drug
8 threat assessment for the -- the NDIC?

9 A. Not personally.

10 Q. Would you agree that there is an opioid
11 crisis facing this country?

12 MR. O'CONNOR: Objection.

13 BY THE WITNESS:

14 A. I would.

15 BY MR. KAWAMOTO:

16 Q. And roughly when did it start?

17 A. I don't recall the exact timing.

18 Q. If you had to estimate, though, what --
19 what -- roughly when would you put the date, pre 2000,
20 2012, if you had to ballpark it?

21 A. I would rather not guess.

22 Q. Were you concerned about the opioid
23 epidemic while you were employed at Mallinckrodt?

24 A. Yes.

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1 Q. And you joined Mallinckrodt in 2000, is
2 that correct?

3 A. Correct, um-hum.

4 Q. Did you ever hear the term "opioid
5 epidemic user" discussed while you were employed at
6 Mallinckrodt?

7 A. Yes. The -- what you need to understand,
8 if I might add some additional information, I worked
9 as the Security Manager for Mallinckrodt until they
10 were purchased by Tyco, Tyco International, and then
11 it became Tyco Healthcare, then I became the Director
12 of Security, director, not manager, but Director of
13 Security for Tyco Healthcare. That eventually was
14 spun off into Covidien and I was the Chief Security
15 Officer for Covidien worldwide.

16 Q. And so was it in the context of your work
17 as the Director of Security for Tyco that you heard
18 this term or you used this term -- or I'm sorry -- you
19 heard this term discussed?

20 MR. O'CONNOR: Objection.

21 BY THE WITNESS:

22 A. I just can't recall exactly when I heard
23 the term. Did I hear that term, yes.

24 BY MR. KAWAMOTO:

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1 Q. And what are the causes of this opioid
2 crisis?

3 A. It would be abuse of narcotics.

4 Q. Would you agree that overprescription by
5 doctors is a cause?

6 A. Yes.

7 Q. Would you agree that the over distribution
8 by pharmaceuticals is a cause?

9 MR. O'CONNOR: Objection.

10 BY THE WITNESS:

11 A. Yes.

12 BY MR. KAWAMOTO:

13 Q. Do you know what a pill mill is?

14 A. I do.

15 Q. What is it?

16 A. It's -- it's one that produces an excess
17 of narcotics for the street.

18 Q. And when you say "produces an excess of
19 narcotics for the street," are you -- are you
20 referring to a manufacturer of narcotics?

21 A. No.

22 Q. So what -- what do you mean when you say
23 it produces -- a pill mill "produces an excess of
24 narcotics for the street"?

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1 A. A manufacturer receives a quota from the
2 Drug Enforcement Administration. They have an
3 overview of what pain medications are needed to be
4 distributed through distributors throughout the
5 United States. They have the big picture. The
6 manufacturers only have a small portion of the picture
7 because they were granted quota, normally not the
8 entire amount they request, but they were granted a
9 certain amount of quota by the Drug Enforcement
10 Administration.

11 MR. KO: By the way, I believe everyone's
12 real-time is down.

13 MR. KAWAMOTO: Do you want to take a quick ten
14 second break?

15 THE VIDEOGRAPHER: We are going off the record
16 at 9:52.

17 (WHEREUPON, a recess was had
18 from 9:52 to 9:55 a.m.)

19 THE VIDEOGRAPHER: We are back on the record at
20 9:55.

21 BY MR. KAWAMOTO:

22 Q. So, Mr. Ratliff, before we went off the
23 record, we were discussing pill mills.

24 Are pill mills essentially pharmacies?

<p style="text-align: right;">Page 26</p> <p>1 MS. DURFEE: Objection.</p> <p>2 BY THE WITNESS:</p> <p>3 A. There is no way for me to answer that. I</p> <p>4 don't know that.</p> <p>5 BY MR. KAWAMOTO:</p> <p>6 Q. Okay. Well, what -- I think we</p> <p>7 established that in your view a pill mill is not a</p> <p>8 manufacturer, so what -- what is a pill mill?</p> <p>9 A. They are putting licit pills into the</p> <p>10 illicit market.</p> <p>11 Q. And can you give me an example of a pill</p> <p>12 mill?</p> <p>13 A. Well, there are countries, Mexico would be</p> <p>14 one, China would be another, that introduce pills into</p> <p>15 the United States at a -- at a large rate. So those</p> <p>16 would be pill mills.</p> <p>17 Q. And so your understanding of the term</p> <p>18 "pill mill" is -- is that it would include China, for</p> <p>19 example?</p> <p>20 A. Yes.</p> <p>21 Q. Could a local retail pharmacy be a pill</p> <p>22 mill?</p> <p>23 A. Yes.</p> <p>24 MS. DURFEE: Objection.</p>	<p style="text-align: right;">Page 28</p> <p>1 deaths from that illicit product that was in the</p> <p>2 market.</p> <p>3 Q. And by illicit distribution of narcotics,</p> <p>4 does that include prescription opioids?</p> <p>5 MR. O'CONNOR: Objection.</p> <p>6 BY THE WITNESS:</p> <p>7 A. Yes.</p> <p>8 BY MR. KAWAMOTO:</p> <p>9 Q. In fact, weren't the majority of illicit</p> <p>10 narcotics that were being distributed prescription</p> <p>11 opioids?</p> <p>12 MR. O'CONNOR: Objection.</p> <p>13 BY THE WITNESS:</p> <p>14 A. I don't know that.</p> <p>15 MR. KAWAMOTO: I'd like to mark as exhibit --</p> <p>16 So this is going to be marked as</p> <p>17 Exhibit 1, and I'm not quite sure what the best way to</p> <p>18 get this to the other side of the table is, so if I</p> <p>19 give it to you can you sort of circulate it.</p> <p>20 (WHEREUPON, a certain document was</p> <p>21 marked Mallinckrodt-Ratliff</p> <p>22 Deposition Exhibit No. 001, for</p> <p>23 identification, as of 12/19/2018.)</p> <p>24 BY MR. KAWAMOTO:</p>
<p style="text-align: right;">Page 27</p> <p>1 BY MR. KAWAMOTO:</p> <p>2 Q. Did you ever encounter such pill mills</p> <p>3 while working for Mallinckrodt?</p> <p>4 A. I did.</p> <p>5 Q. Do you believe pill mills contributed to</p> <p>6 the opioid crisis?</p> <p>7 A. I do.</p> <p>8 Q. And were you concerned about them while</p> <p>9 you were employed at Mallinckrodt?</p> <p>10 A. Yes.</p> <p>11 Q. And did you believe it was -- strike that.</p> <p>12 Do you believe Mallinckrodt had an</p> <p>13 obligation to prevent its products from reaching pill</p> <p>14 mills?</p> <p>15 MR. O'CONNOR: Objection.</p> <p>16 BY THE WITNESS:</p> <p>17 A. Yes.</p> <p>18 BY MR. KAWAMOTO:</p> <p>19 Q. And do you recall when you first became</p> <p>20 concerned about pill mills?</p> <p>21 A. I can't give you a specific date or year.</p> <p>22 There were -- there was a lot of information on the</p> <p>23 news about the illicit, not licit, but illicit</p> <p>24 distribution of narcotics and that it was causing</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. So, Mr. Ratliff, I've handed you what's</p> <p>2 Exhibit 1. It's an excerpt from the National Drug</p> <p>3 Threat Assessment from 2011. I put it up on the Elmo</p> <p>4 for your convenience.</p> <p>5 A. Okay.</p> <p>6 Q. You'll note that it's put out by the US</p> <p>7 Department of Justice and it is the National Drug</p> <p>8 Intelligence Center is actually the institution that's</p> <p>9 responsible for it.</p> <p>10 Directing your attention to the top of</p> <p>11 Page 37, and I'll high right this, this wording for</p> <p>12 you.</p> <p>13 Can you please read what I have just</p> <p>14 highlighted?</p> <p>15 A. "The abuse of CPDs constitutes a problem</p> <p>16 second only to the abuse of marijuana in scope and</p> <p>17 pervasiveness in the United States; the problem is</p> <p>18 particularly acute among adolescents."</p> <p>19 Q. Would you agree with that statement?</p> <p>20 MR. O'CONNOR: Objection.</p> <p>21 BY THE WITNESS:</p> <p>22 A. Based on their assessment, yes.</p> <p>23 BY MR. KAWAMOTO:</p> <p>24 Q. Well, do you have any reason to believe</p>